

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
Ft. Worth Division**September 09, 2016**KAREN MITCHELL
CLERK, U.S. DISTRICT COURT

Sep 9, 2016

USA

Plaintiff/Petitioner

v.

Robert Everhart

Defendant/Respondent

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§
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§

NDTX Case No.: 4:15-CR-271-A-6

§ 5TH Circuit Appeals Court Case No.: 16-10663**NOTICE OF TRANSFER OF THE 5TH CIRCUIT RECORD ON APPEAL**

I hereby:



acknowledge receipt of the record on appeal which consists of:

_____ volumes of the record _____ volumes of transcripts

_____ containers of exhibits _____ 8 sealed documents

_____ folders of state court records _____ other: _____



acknowledge that the record on appeal has been transferred to the:

_____ Appellee*

_____ Appeals Court

**If appellee's brief is required, appellant must forward the record on appeal to appellee when appellant's brief is sent to the 5th Circuit and served on appellee. See attached page for additional information.*I certify that I am proceeding *pro se* or that I am the designated attorney of record for the:

_____ Appellant

_____ Appellee

I also certify that I have not altered the record in any way.

*Date*_____
*Signature*_____
*Printed Name*_____
*Address*_____
*Telephone Number***This form is to be completed and filed with the District Clerk's Office each time a party receives or forwards the record on appeal, including when the appellant or appelle forwards the record to the 5th Circuit**

NOTICE REGARDING ORIGINAL RECORD

1. Where an appellee's brief is required, **appellant must** :
 - a. forward the record on appeal* to **appellee** when appellant's brief is sent to the 5th Circuit and served on appellee; and
 - b. complete the appropriate sections of the attached "Notice of Transfer of the 5th Circuit Record on Appeal" form and mail it to the **District Court Clerk's Office**.
2. Where an appellee's brief is not required (e.g. appellant's counsel files an Anders brief asserting there is no non-frivolous issue on appeal, etc.), **appellant must**:
 - a. forward the record on appeal to the **5th Circuit Clerk's Office** when appellant's brief is sent to the 5th Circuit; and
 - b. complete the appropriate sections of the attached "Notice of Transfer of the 5th Circuit Record on Appeal" form and mail it to the **District Court Clerk's Office**.
3. Where an appellee's brief is required, **appellee must** :
 - a. forward the record on appeal to the **5th Circuit Clerks Office** when appellee's brief is sent to the 5th Circuit; and
 - b. complete the appropriate sections of the attached "Notice of Transfer of the 5th Circuit Record on Appeal" form and mail it to the **District Court Clerk's Office**.

*** Warning regarding sealed documents:**

A party who requests and receives custody of a Presentence Investigation Report (PSI) or other sealed document must protect these documents at all times, and may not copy or divulge the contents to any other person. Sealed documents are to be used solely for preparation of your appellate brief, and must be returned to the District Court Clerk's Office upon the filing of your brief. Do **NOT** forward any sealed documents to any other party or to the 5th Circuit Clerk's Office when you forward the record on appeal.

Note: The District Court has loaned you the record on appeal for your convenience in brief writing. When you are in possession of the record you are responsible for safeguarding and protecting the record. Negligent acts with respect to the record may subject you to sanctions. Willful mutilation, obliteration or destruction of the record may subject you to criminal penalties under 18 U.S.C. § 2071.